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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/094,719	06/15/98	SLYNE	W 9991-06

EUGENE J A GIERCZAK  
KEYSER MASON BALL  
SUITE 701  
201 CITY CENTRE DRIVE  
MISSISSAUGA ON L5B 2T4  
CANADA

QM12/1124

EXAMINER

VEREENE, K

ART UNIT

PAPER NUMBER

3729

DATE MAILED:

11/24/99

AIR MAIL

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.  
**09/094,719**

Applicant(s)  
**Slyne**

Examiner  
**Kevin G. Vereene**

Group Art Unit  
**3729**



- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 1-14 is/are pending in the application.
- Of the above, claim(s) 8-14 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-7 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election without traverse of Group 1, claims 1-5 in Paper No. 4 is acknowledged.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities: The abstract is under the limit range of 50 words. Appropriate correction is required.

4. The disclosure is objected to because of the following informalities: On page 6, lines 10 and 16, reference characters "20" and "22" have designate both been used to cylindrical cutting surface, on page 6, lines 10 and 17, reference character "20" has been used to designate both

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cylindrical cutting surface and rotating drum, on page 6, lines 24 and 26, reference character "32" has been used to designate both drive wheel and drive rolls, on page 6, lines 38 and 39, and page 7, line 1, reference character "14" has been used to designate both roll and material, on page 7, lines 20 and 31, reference character "62" has been used to designate both connection. and top half . Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen et al 5,379,497.

Nielsen et al discloses the invention as claimed, including a rotating cylindrical cutting surface "20", rotatable drive means for rotatably driving the cylindrical cutting surface, a plurality of cutting means "25" which includes cutting wheels, a control means, a plurality of rails presenting the cutting means (runs parallel with the cylinder surface), see column 3, lines 6-22, lines 40-52 and Figure 1.

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***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielen et al 5,379,497 in view of Malcolm 3,878,771.

Nielen et al discloses the invention substantially as claimed as cited above except for a plurality of holes disposed through the rotating cylinder for communicating with the vacuum means. However, Malcolm teaches the use of a plurality of holes "41a" disposed through the rotating cylinder "41" for communicating with the vacuum means, see column 3, lines 45-53. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Nielen et al with a plurality of holes disposed through the rotating cylinder for communicating with the vacuum means as taught by Malcolm in order to facilitate processing a sheet of material.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielen et al 5,379,497 in view of Malcolm 3,878,771 and further view of Lin et al 5,944,273.

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Nielen et al and Malcolm discloses the invention substantially as claimed as cited above except for an air assist means for assisting the unwinding of the material from a roll. However, Lin et al teaches the use of an air assist means "30" for assisting the unwinding of the material from a roll, see column 8, lines 54-59 and Figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Nielen et al and Malcolm with an air assist means for assisting the unwinding of the material from a roll taught by Lin in order to facilitate moving a sheet of material in the machining process.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Madrzak, Boldrini et al, Kobayashi et al, Brining, Pearl and Kercher are cited to show related inventions.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin G. Vereene whose telephone number is (703) 305-7307. The examiner can normally be reached on Monday through Thursday from 7:00 to 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (703) 308-2572. Papers may be faxed directly to Group 3700 at (703) 305-3579.

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [Lee.Young@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

  
11/18/99  
LEE YOUNG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

KGV K.G.V.

November 18, 1999

**ATTACHMENT TO AND MODIFICATION OF**  
**NOTICE OF ALLOWABILITY (PTO-37)**  
**(November, 2000)**

**NO EXTENSIONS OF TIME ARE PERMITTED TO FILE CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION**, notwithstanding any indication to the contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored<sup>1</sup>:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

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<sup>1</sup> The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000); 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).